

JOE WARDY  
MAYOR



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

### REGULAR COUNCIL MEETING COUNCIL CHAMBERS JULY 29, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John Cook, Vivian Rojas and Anthony W. Cobos. Late Arrivals: Jose Alexandro Lozano, Daniel S. Power and Paul J. Escobar. Absent: None. Meeting was called to order at 9:09 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Mayor Joe Wardy introduced Congressman Silvestre Reyes and asked that he speak at the podium.

Congressman Silvestre Reyes thanked the Council Members for serving their City and region. He commented on the swing of projected surplus at the federal level of approximately \$300 billion to a projection of a deficit of approximately \$450 to \$500 billion and noted that federal monies would be increasingly difficult to acquire. He commented on the lack of available revenue at the State level, as well. He stated he would gladly sit down with each Council Member to discuss these money issues. He then welcomed newly appointed Commanding General, Major General Michael Vane, to Fort Bliss and requested Council Members take an active role in supporting Fort Bliss. He stated that a number of military bases would be realigned and/or closed in the near future and asked Council Members to take an active role and interest in supporting Fort Bliss, White Sands and the military. He noted that military personnel in Iraq were under continued attacks and asked that Council Members keep them in their prayers.

### MAYOR'S PROCLAMATIONS

1. ***Military Appreciation Month***
2. ***Biker Awareness Week***

Representative Cook read into the record ten "Honorary Citizen" Certificates for International Military students.

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No action was taken on the discussion on Painted Dunes. [Lisa Turner]

Ms. Lisa Turner, citizen, commented on an article in the El Paso Inc. regarding Painted Dunes and remarked that the article noted the original contractor "Evergreen Alliance Golf Ltd" had transferred the contract to Bank of America who then transferred the contract to another entity. She was concerned that Council Members had not approved the transference of the contract and noted that the Painted Dunes property was owned by the City, thus belonging to the taxpayers. She commented that Evergreen had allowed the golf course to deteriorate and questioned why the City had not sought judgment of damages to



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso, acting through its Department of Aviation, be authorized to accept Amendment No. 1 to the Grant Agreement with the Federal Aviation Administration. The Amendment is based upon the grant offer for Project No. 3-48-0077-20-02 at the El Paso International Airport. This amendment will increase the grant amount from \$5,120,432.00 to \$10,246,279.00.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract for Advertising between the CITY OF EL PASO and AMIGO AIRSHO, INC. for the airshow at Biggs Army Airfield, Ft. Bliss, Texas, on October 3, 4 and 5, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Airport Display Agreement with Johnny Mac Estes providing for the display of a number of model airplanes depicting the history of aviation at the El Paso International Airport.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Authorizing the Mayor to sign a Landscape Cost Sharing Program For Governmental Entities Agreement ("Agreement") between the City Of El Paso ("City") and the State Of Texas, acting through the Texas Department of Transportation ("State"), which Agreement encompasses a landscaping project for the existing medians on US 62/180 (Montana Avenue) from Trowbridge Drive east to approximately 700 feet east of Airway Boulevard; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution. The total cost of the project is \$262,000.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a grant application "For the Renovation of the Plaza Theatre" for the "FY 2003 U.S. Department of Housing and Urban Development - Economic Development Initiative Special Projects Grant." Funding will be utilized for multiple line items including construction and administrative costs in the amount of \$894,150. (No local match required)

\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a letter providing Notice of Termination of the Contract by and between the City of El Paso and Carl A. Parker and Froy Salinas for State legislative lobbying services.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign on behalf of the EL PASO CITY-COUNTY HEALTH AND ENVIRONMENTAL DISTRICT, the following contract amendment and renewal with the Texas Department of Health:

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Application for Federal Assistance from the United States, Environmental Protection Agency, Region VI (EPA) and related documentation, on behalf of the El Paso City-County Health and Environmental District for continued **Air Pollution Control Program Support** in the City of El Paso. This one (1) year commitment includes a total compensation of THREE HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$325,000.00) from the EPA. The cost to the City is a match of TWO HUNDRED SIXTEEN THOUSAND SIX HUNDRED SIXTY SEVEN DOLLARS AND 00/100 (\$216,667.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an **Agreement for Architectural Services** between the **CITY OF EL PASO** and **ARTchitecture I, LP dba ARTchitecture** for a project known as "**San Jacinto Plaza Improvements**" for an amount not to exceed FORTY-ONE THOUSAND FIVE HUNDRED and 00/100 DOLLARS (\$41,500.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering a historical exhibition entitled "Great Flood of 1897" at the Cielo Vista Branch of the El Paso Public Library System for the period of August 1 through 30, 2003. This exhibition is at no cost to the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Ismael C. Cassio covering an exhibit of "Oil Paintings and Landscapes Style-like" at the Main Library of the El Paso Public Library System for the period of January 1 through 31, 2004. This exhibition is at no cost to the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **BLANCA M. GONZALEZ**, to assist Mayor and City Council as an Executive Staff Assistant, at a biweekly rate of \$1,346.15 for 40 hours per week. The term of the contract shall be for the period of July 30, 2003 through July 29, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **YVONNE SANCHEZ**, to assist the Mayor and City Council as a Staff Assistant, at a biweekly rate of \$1,076.92, for 40 hours per week. The term of the contract shall be for the period of July 30, 2003 through July 29, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **PATRICIA BORREGO**, to assist Mayor and City Council as a Staff Assistant, at an hourly rate of \$14.50 for 20 hours per week. The term of the contract shall be for the period of July 30, 2003 through July 29, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JULIE FONSECA DE BORGES**, to assist the Museum of Art as a School Services Coordinator, at a biweekly rate of \$1,084.13 for 40 hours per week. The term of the contract shall be for the period of August 5, 2003 through August 4, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign the "Park Partner" Agreement with the following organization for maintenance and other services on City property as described in the Agreement.

Crystal Ice Cream

Eastwood Park

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the Interlocal Agreement by and between the County of El Paso and the City of El Paso for the establishment of a combined records information management enterprise system for law enforcement information sharing to clarify the procedures by which the County's contractor will submit invoices to the County and the City for payment for the purchases addressed in the original Interlocal Agreement.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign all necessary documents and accept a grant award to the City of El Paso Police Department for an Automobile Theft Prevention Grant (twelfth year) in the amount of \$745,284.00 from the Automobile Theft Prevention Authority - State of Texas, for the purpose of continuing the efforts of the Department in reducing auto theft in El Paso County; and that the Mayor be authorized to execute on behalf of the City of El Paso any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or

which decrease the amount of in-kind funds, and any documents to request and accept an extension of the award ending date for the grant. The Grant Officials will be as named within the Grantee Acceptance Notice. The City commits to provide an in-kind match for the operation of the task force in the amount of \$1,643,771.00.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Juvenile Accountability Incentive Block Grant in the amount of \$233,911.00 from the Office of the Governor, Criminal Justice Division, for the Serious Habitual Offenders Comprehensive Action Program (SHOCAP) to pay the salaries of two police officers and one clerk typist III; to purchase equipment, supplies and training; to enable the juvenile court and juvenile probation to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and to enable prosecutors to address drugs, gangs, and youth violence problems more effectively; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. The City of El Paso commits to provide a cash match in the amount of \$25,990.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded. The Grant Officials will be as named within the Grantee Acceptance Notice.

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Victims of Crime Act Grant in the amount of \$53,042.00 from the Office of the Governor, Criminal Justice Division, for the purpose of funding personnel and supply costs to continue the Victim Services Response Team of the El Paso Police Department; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. The City of El Paso commits to provide a cash match in the amount of \$9,771.00 and in-kind match required in the amount of \$5,320.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded. The Grant Officials will be as named within the Grantee Acceptance Notice.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept the donation of a trained bomb-detection canine from the Burnet Elementary School P.T.A. for use by the El Paso Police Department.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a request to extend the award ending date of the Bureau of Justice "NIBRS Implementation of a Texas Collaboration of Jurisdictions" grant and the Memorandum of Understanding/Local Agency Agreement for Funding, by extending the award ending date to July 31, 2004.

\*Motion made, seconded and unanimously carried to approve that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este Unit Five  
Owner/Developer: Ranchos Real V., LTD.  
Consultant: CONDE Inc.

Street Improvements:

Edgemere Boulevard - from the northwest subdivision boundary line to the west property line of Tierra Este Road, and from the east property line of Tierra Este Road to the southeast subdivision boundary line

Tierra Este Road - from the southeast subdivision boundary line to the northwest subdivision boundary line

Drainage Improvements:

Storm Drainage System -

located at Edgemere Boulevard; 2-2 Grate Drop Inlet Type I; 79.17 ft. of 18" R.C.P.; 382.33 ft. of 30" R.C.P.; 106 ft. of 36" R.C.P.; 2-Junction Box/72" Manhole; and 1-6 Grate Drop Inlet Type I

located at Tierra Este Road; 2-4 Grate Drop Inlet Type I; 2-3 Grate Drop Inlet Type I; 102.88 ft. of 24" R.C.P.; 1-17 Grate Drop Inlet Type II; 190 ft. of 30" R.C.P.; 2-6 Grate Drop Inlet Type I; 51.40 ft. of 48" R.C.P.; 1-2 Grate Drop Inlet Type I; and 240 ft. of 42" R.C.P.

\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Laborer (1)

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Add	1.00	Public Health Aide	GS15
Add	1.00	Clerk III	GS13
Add	4.00	Clinical Clerk	GS14
Add	6.00	Health Education Specialist	PM70
Add	2.00	Nutritionist	PM74

\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Human Resources

Add	1.00	Training/Technician Instructor	GS18
Add	1.00	Training/Technician Instructor	GS18
Delete	1.00	Clerk Typist I	GS6
Delete	1.00	Personnel Aide	GS13

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\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Office of Management and Budget

Add	1.00	Safety Technician	GS19
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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to move the following to the regular agenda, following the Introduction of Ordinances vote.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to delete the appointment of Said Larbi-Cherif as Building Permits and Inspections Director (provisional) effective July 21, 2003.

Representative Austin's electronic vote was not noted; however, her oral vote was "Aye".

Mr. Porras, citizen, commented on the lack of leadership, the will to assist the people of the community and the need to work together. He asked that Council Members not rush to appoint the Building Permits and Inspections Director position.

Mr. Gary Holmstead, Executive Director of the Associated General Contractors ("AGC"), stated that the AGC was the voice of the commercial construction industry and noted that the AGC had worked with the City and City staff to streamline processes to obtain building permits. He stated that the position of the Director of Building Permits and Inspections required great technical capabilities, the ability to work with people and political savvy. He stated that Mr. Larbi-Cherif was well equipped to handle the position and urged Council Members to find an individual to permanently fill the position.

Mr. Ray Aduino, El Paso Association of Builders, quoted Voltaire "It's dangerous to be right in matters on which the established authorities are wrong" and stated that the Association of Builders had made their position known regarding the provisional appointment of Mr. Larbi-Cherif. He stated that the Association would urge Council Members to find a permanent individual to fill the position. He quoted Lockheed-Martin's Chairman, "If the people can't trust you, they won't follow you".

Mr. Sherman Barnett, owner of Barnett Harley Davidson and Barnett Auto Sales, stated that he has been trying for 1½ years to secure a Certificate of Occupancy at 8000 Gateway East and stated he has been blocked from getting this Certificate.

Mr. Rod MacNeil, citizen, stated he had a petition of signatures from numerous private business individuals throughout the City of El Paso and explained that their biggest concern was retaliation if these individuals expressed their concerns before Council Members.

Ms. Lisa Turner, citizen, explained that she received many complaints regarding the Building Permits and Inspections Department during her campaign for City Council. She suggested that the City introduce SK Sigma into the Building Permits and Inspections Department to address the needs of the people.

Representative Power noted that the Human Resources Department was in the process of conducting a nationwide search for the position of Building Permits and Inspections Director.



Ms. Lisa A. Elizondo, City Attorney, noted that if Council Members wanted to remove Mr. Larbi-Cherif from the provisional appointment, item would have to be posted to an agenda.

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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to suspend the electronic voting and to direct Information Technology staff to program the side buttons rather than the touch screen.

Electronic voting was used to vote on the approval of the Consent Agenda and the Charter Election discussion and action items, Introduction of Ordinances, the deletion of An Ordinance amending Ordinance No. 15264, as amended by Ordinance No. 010397, Ordinance No. 011042, and Ordinance No. 011573; Establishing procedures for placing matters on the agenda for city council meetings by amending the deadlines and the appointment of Mr. Said Larbi-Cherif as Building Permits and Inspections Director (provisional) effective July 21, 2003.

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\*Motion made, seconded and unanimously carried to delete appointment of Manuel Verduzco as Information Technology Director effective July 15, 2003.

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\*Motion made, seconded and unanimously carried to approve the removal by Mayor Joe Wardy of Oscar Ornelas, Jr., as a City appointment to the City/County Revolving Loan Fund Board due to missing three (3) consecutive meetings.

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\*Motion made, seconded and unanimously carried to re-appoint Steven Gale to the City/County Animal Shelter Advisory Committee by Mayor Joe Wardy.

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\*Motion made, seconded and unanimously carried to appoint Alejandro Adata, Jr., to the Parks and Recreation Advisory Board by Representative Robert A. Cushing, Jr. (Serving an un-expired term)

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\*Motion made, seconded and unanimously carried to appoint Thomas Cantwell to the Community Development Steering Committee by Representative Robert A. Cushing, Jr. (Serving an un-expired term)

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\*Motion made, seconded and unanimously carried to appoint Fred Gromand to the City Accessibility Advisory Committee by Representative Daniel S. Power.

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\*Motion made, seconded and unanimously carried to appoint Larry Madrid to fill Oscar Ornelas, Jr.'s unexpired term on the City/County Revolving Loan Fund Board by Mayor Joe Wardy.

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\*Motion made, seconded and unanimously carried to appoint Bertha Gallardo to the Community Center Screening Committee by Mayor Joe Wardy.

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\*Motion made, seconded and unanimously carried to approve the installation of guardrail post at 3100 Block of Trawood Dr. Cost is \$1,789.04.

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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #E090-999-0040-0500, \$908.06 per month installments on a balance of \$21,793.44 for 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Severo & Martha Barreras – 1415 Vista Allura.
- B. PID #H453-999-1340-1100, \$540.95 per month installments on a balance of \$3,245.70 for 1999, 2000 & 2001 taxes; Nakye Evenhus – 2831 Mobile Avenue.
- C. PID #L064-999-0020-3100, \$331.62 per month installments on a balance of \$4,311.06 for 2001 & 2002 taxes; Manuel & Bertha Torres – 8121 La Paloma Cir.
- D. PID # M191-000-0110-0500, \$492.74 per month installments on a balance of \$8,869.32 for 2000, 2001 & 2002 taxes; Mike E. Valenzuela – 11401 N. Loop.

- E. PID #Y805-999-046B-1234, \$362.24 per month installments on a balance of \$3,622.40 for 1997, 1999 & 2000 taxes; Paula D. Barraza – 9051 Colmenero Ct.
- F. PID #0826-999-2102-0034, \$883.30 per month installments on a balance of \$5,299.80 for 2000, 2001 & 2002 taxes; El Paso Reprographics – 4854 Mesa.

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\*Motion made, seconded and unanimously carried to postpone two (2) weeks the Request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one additional year, from September 25, 2003 to September 24, 2004 pursuant to the provisions of Contract #2000-218 with O. R. Enterprises, El Paso, Texas for Hydraulic Cylinder Repack/Rebuild & Hydraulic System Components Repair.

Option No.: One [of One]  
Amount of Award: \$50,000.00 Annual Estimate.  
Account Nos: 37370510-503125  
Funding Source: Fleet Service Internal Service Fund  
Department: Fleet Service

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\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for Two (2) additional years, from September 30, 2003 to September 29, 2005 pursuant to the provisions of Contract #2001-286 with Gold Label, Inc., Addison, Texas for Thirst Quencher Fluid Replenishment Beverage.

Option No.: One [of One]  
Amount of Award: \$130,000.00 Estimate.  
Account Nos.: 34010291-502215  
Funding Source: 40403-SWM  
Department: Solid Waste Management

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\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue Purchase Order(s) to Stockton Equipment & Supplies, as they are the sole authorized agent of STM Equipment in the El Paso, Texas area, provider of OEM Parts for Leach Refuse Products. (Contract #2003-213)

Department: Fleet Services  
Funds available: 37370510-503121  
Funding source: Fleet Services Internal Service Fund  
Total amount: \$20,000.00 (estimated annually)

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\*Motion made, seconded and unanimously carried to award Bid No. 2003-166 City Hall Restrooms Remodeling / ADA Compliance

Contractor: Beltran Electrical Contractors, Inc.  
El Paso, Texas  
Department: Municipal Services  
Funds Available: 31118111/PPW0050002/27035/508027  
Funding Source: 1993A Issue Certificate of Obligation  
Item (s): Base Bid I \$214,500.00  
Total Award: \$214,500.00

The Departments of Purchasing, Engineering and Municipal Services recommend the award of this contract to Beltran Electrical Contractors, Inc., the Best Value, Responsible, Responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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\*Motion made, seconded and unanimously carried to award Bid No. 2003-130R Electronic Citation Issuance System

Award to:	Advanced Public Safety Hollywood, FL
Item(s):	All
Amount:	\$1,110,000.00 Estimated
Department:	Police
Funds available:	21150010-05346-211500 Project 210314- \$832,500.00 153060-16011-506000 Project PMC001- \$277,500.00
Funding source:	Police Grants – Cops Auto Ticket and Municipal Court Technology Fund – City Grant Match
Total award:	\$1,110,000.00 Estimated

The Review Committee based on evaluation factors established for this RFP recommend award to Advanced Public Safety. See attached memorandum for explanation.

Additional, it is requested authorization for City staff to negotiate, City Attorney’s Office to review, and the Mayor be authorized to executive any related contract documents and agreements necessary during the contract.

This is a one time purchase.

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\*Motion made, seconded and unanimously carried to award Bid No. 2003-16Helicopter Rotor Blades

Award to:	Heli-Mart, Inc. Costa Mesa, CA
Item (s):	#1
Amount:	\$34,207.00
Department:	Police
Funds available:	504406-16371-21150060-P500231
Funding source:	Federal Confiscated Funds
Total award:	\$34,207.00

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase helicopter rotor blades. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

\*Motion made, seconded and unanimously carried to award Bid No. 2003-183 Auto Brake Shoes, Pads & Hardware

Award to: Main Auto Parts  
El Paso, Texas  
Item (s): #1 thru #5 (all)  
Amount: \$45,000.00 (estimated annually)  
Department: Fleet Services  
Funds available: 37370510-503121  
Funding source: Fleet Services Internal Service Fund  
Total award: \$45,000.00 (estimated annually)

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2% ten days.

This is a Requirements Type Contract with an initial term of Thirty-Six months.

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-823 PARKS  
This budget transfer requests an appropriation increase for the San Juan Recreation Center to install mirrors in the dance room, and to replace ceramic tile in the main lobby. Money is available in the accumulated fund balance.

Increase	\$7,000	to	51510123/P50021316313/407002	Est Rev
Increase	\$7,000	to	51510123/P50021316313/508003	Bldg Imprvmts

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-831 AIRPORT  
Transfer of funds to cover costs associated with the use of Convention and Visitors Bureau personnel to staff the Information Center at the Airport and for the services of a PeopleSoft consultant to provide technical assistance for Airport specific programming.

Increase	\$110,000	to	62620001/40101/502215	OtsdContNOC
Increase	\$110,000	to	62620001/40101/407001	IntrfndTrfr In
Increase	\$110,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$110,000	to	62620018/P50000241021/507001	IntrfndTrfrOut

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-837 BUILDING & PLANNING SERVICES  
Building and Planning Services proposes to appropriate \$500,000 to fund design and construction of San Jacinto Plaza. Funding source is 2000 Quality of Life Bonds.

Increase	\$500,000	to	31130600/PPW004604760062/407020	OriglsBndProc
Increase	\$383,637	to	31130600/PPW004604760062/508027	ConstCosts
Increase	\$ 11,000	to	31130600/PPW004604760062/508024	MatTrng
Increase	\$ 7,000	to	31130600/PPW004604760062/508051	PrgMgmtRev
Increase	\$ 49,363	to	31130600/PPW004604760062/508050	Design

NOTE: Item was revised from "31130600/PPW004604760062/508053 ConstMgmt"  
to "31130600/PPW004604760062/**508050 Design**"

\*Motion made, seconded and unanimously carried to approve the request of the Dr. Martin Luther King Jr. Committee of El Paso to hold a parade on August 28, 2003 from 9:00 a.m. to 12:00 p.m. Route: Start at the corner of Jon Cunningham and Martin Luther King Blvd, proceed on Martin Luther King to Gateway North, proceed on Gateway North to Sean Haggerty, turn right on Rushing, proceed on Rushing to Salem, and finish at Veteran's Park. Approximately 100 persons and 15 vehicles will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone and 2 speakers) PERMIT NO. 03-109

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\*Motion made, seconded and unanimously carried to approve the request of Telly Williams to use amplification (1 amp-1000 watts and 1 speaker-500 watts) at San Jacinto Plaza on August 2, 2003 and August 16, 2003 from 1:00 p.m. to 5:00 p.m. Approximately 1 person will take part and 50- 60 spectators are anticipated. PERMIT NO. 03-112

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\*Motion made, seconded and unanimously carried to approve the request of Avelardo A. Chavez to block off Sara Danielle between Peter Cooper and Missy Yvette on August 2, 2003 from 7:00 p.m. to 1:00 a.m. for a block party. Approximately 150 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (6 speakers, 2-6 microphones, & 600-1000 watt power mixer) PERMIT NO. 03-111

.....  
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas orally voted "Aye"; however, the electronic voting system failed to note her "Yes" vote.

- A. An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code to add modifications to 20.66.350 to permit signage exceeding thirty square feet for publicly-owned performing arts theaters and related buildings located in the C-5/H (Commercial/Historic Overlay) zoning district.
- B. An Ordinance granting Special Permit No. SU-03019 to allow for a parking reduction on the property described as Lots 1, 2, 3, 4 and the South 6 Feet of Lot 5, Block 56, ALEXANDER ADDITION, El Paso, El Paso County, Texas (1601 North Mesa), pursuant to Section 20.64.175, and the penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: S-D/c (Special Development/conditions) Applicant: Dr. Syed Yusoof / Representative: Four Seasons Construction, Inc., 205 W. Sunset, El Paso, TX 79922
- C. An Ordinance changing the zoning of Lot 39, Block 2, REPLAT B, VISTA HILLS UNIT 2, El Paso, El Paso County, Texas (3030 B. Trawood) from A-O (Apartment-Office) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03034. Applicant/Representative: Lee & Victoria Loper, 8701 Parkland Dr., El Paso, TX 79925
- D. An Ordinance changing the zoning of Lot 10, Block 3, ALAMEDA ACRES, El Paso, El Paso County, Texas (125 N. Glenwood St.) from A-2 (Apartment) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03036. Applicant/ Representative: Yun Ki Kim, 11149 Leo Collins, El Paso, TX 79936 (District 3) **THIS IS AN APPEAL CASE.**
- E. An Ordinance changing the zoning of Parcel 1: A portion of Tract 1B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-2 (Commercial), Parcel 2: A portion of Tract 1B and Tract 2B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas from R-3A/sp (Residential/special permit) to C-2 (Commercial), and Parcel 3: A portion of Tract 1B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: RPW Development Ltd. / Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903 ZC-03033 (District 1) **THIS IS AN APPEAL CASE**

- F. An Ordinance changing the zoning of a portion of Lot 20 and all of Lots 21 - 26, Inclusive, Block 11, of Replat East Side Industrial District Unit Three, El Paso, El Paso County, Texas (7144 Gateway East Boulevard) from M-1/sc (Light Manufacturing/special contract) to C-4/sc (Commercial/special contract). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Harsha Hotels, Inc. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03035
- G. An Ordinance granting Special Permit No. SU-03003 to satisfy parking requirements for Parcel I, described as Lots 29 - 32, Block 70, East El Paso Addition, El Paso, El Paso County, Texas, by allowing off-site, off-street parking on Parcel II, described as the South 80.7 feet of Lots 15 and 16, Block 76, East El Paso Addition, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Mount Zion Baptist Church / Representative: Love Wren, 3400 E. Wyoming Avenue, El Paso, TX 79903

**PUBLIC HEARING WILL BE HELD ON AUGUST 19, 2003 FOR ITEMS A – G**

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....  
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to vote on the following Introduction separately:

An Ordinance amending Ordinance No. 15264, as amended by Ordinance No. 010397, Ordinance No. 011042, and Ordinance No. 011573; Establishing procedures for placing matters on the agenda for city council meetings by amending the deadlines.

**PUBLIC HEARING WILL BE HELD ON AUGUST 12, 2003**

Representative Cobos commented on City staff "scrambling" to get items on the Addition to the Agenda. He explained that the Ordinance would hold individuals accountable in meeting the Thursday deadline.

Mr. Jim Martinez, Chief Administrative Officer, noted that the Addition to the Agenda was being finalized so late in the afternoon on Friday, not enough time was given to allow City staff members to coordinate for the Monday morning meetings. He noted that the intent of the Ordinance was to do away with the Addition to the Agenda entirely.

Mayor Joe Wardy noted that the Ordinance was not to restrict public comment but to streamline City operations.

Representative Cook noted that City staff should make every effort to meet the Thursday deadline; however, in the event of grant funding, policy or to make political statements, the Addition to the Agenda should continue to be made available.

Representative Power concurred with Representative Cook's statement and felt that the Ordinance would stifle public comment.

Mr. Ray Gilbert, citizen, commented that the Addition to the Agenda was in the event of an emergency, a two-hour notice was all that was necessary. He noted that the public focuses on the "main" agenda, not the Addition.

Representative Austin noted that items placed on the Addition to the Agenda could not be discussed during the Monday morning meetings.

Representative Cook stated that Monday morning meetings were to assist the new Council Members regarding Agenda matters and remarked that in the event Council Members required additional information or clarification on an agenda item, he suggested they utilize their email and telephone.

Mr. Martinez explained that he must approve the placement of Addition to the Agenda items and added that he had not approved placement of some items, as there had not been a good explanation as to why the matter needed placing on the Addition.

Ms. Lisa A. Elizondo, City Attorney, noted that paragraph five of the proposed Ordinance addressed emergency issues and suggested that she draft language that would address emergency situations; however, the issue would be the enforcement of the Ordinance language.

Motion made by Representative Cook, seconded by Representative Power and carried to delete the Introduction of an Ordinance amending Ordinance No. 15264, as amended by Ordinance No. 010397, Ordinance No. 011042, and Ordinance No. 011573; Establishing procedures for placing matters on the agenda for city council meetings by amending the deadlines.

AYES: Representatives Austin, Lozano, Cook, Power, and Rojas.  
NAYS: Representatives Cushing and Cobos.  
NOT PRESENT: Representative Escobar.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to take all necessary steps to change the name of a portion of Vista Lomas Drive to Tomwood Avenue beginning at the intersection of Vista Lomas Drive and Yarbrough Drive and continuing west until the point of intersection with the street also known as Tomwood Avenue; such street being located within the City of El Paso, El Paso County, Texas.

NOTE: Resolution was revised from "Tomwood Drive" to "Tomwood Avenue".

Mr. Rudy Valdez, Chief Urban Planner, explained the necessity for the street name change.

Motion made by Representative Rojas, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....  
**AMENDMENT NO. 1 TO THE  
RULES OF ORDER FOR CITY COUNCIL MEETINGS  
OF THE CITY OF EL PASO**

That Section 13, ORDER OF AGENDA ITEMS, of the Rules of Order for City Council Meetings of the City of El Paso is revised to read as follows:

**SECTION 13. ORDER OF AGENDA ITEMS**

Agenda items placed by members of the public will be addressed first, not to exceed thirty (30) minutes commencing at 9:00 a.m. Proclamations will be presented after public member items, not to exceed thirty (30) minutes. Items accepting or acknowledging donations to the City will be taken prior to consideration of the Consent Agenda. Items removed from the Consent Agenda will be considered at the time when items for the related department are being considered.

Motion made by Representative Cook, seconded by Representative Escobar, and unanimously carried to approve the above Resolution. Representative Cobos was not present to vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and carried to move to the forefront the discussion and action regarding the timing of an election to amend the City Charter.

Motion made by Representative Cook, seconded by Representative Power and carried to direct City staff to amend Ordinance 15365, amending the date of the City Charter election to February, and to urge Mayor Wardy to call a Special City Council Meeting to consider Charter Amendments.

Mr. Jim Martinez, Chief Administrative Officer, explained that the Ordinance regarding the Charter Amendments elections to be held in November would necessitate revision due to the Fire and Policeman's Pension Fund predicament. He noted that the item was posted as an Executive Session item and, if necessary, he would provide the deficit amounts and the specifics of the potential remedies for the deficits during Executive Session. He stated that the report of the actuaries for the El Paso Firemen and Policemen's Pension Fund would not be available in a timely manner and that Council Members would need to decide which Charter Amendment matters would be listed on the ballot.

Ms. Lisa A. Elizondo, City Attorney, explained that the next available election date would be February 7, 2004, followed by the first Saturday in May.

Representative Power stated that there would be no other alternative but to postpone the Charter Amendment election to February or beyond.

Mayor Joe Wardy stated that the City would have the necessary data to proceed; however, the negotiations between the City of El Paso and the El Paso Firemen and Policemen's Pension Fund might be extensive and there would not be any guarantee that the matter would be ready for the November election.

Mr. Martinez noted whether or not the City of El Paso could reach an agreement with the uniformed service personnel, having the uniformed service personnel vote on the agreement, and adding the agreement to the Fire and Policemen's contract, was a separate issue and he hoped that a February deadline could be met. He suggested Council Members hold a series of public hearing regarding the El Paso Firemen and Policemen's Pension Fund and other Charter Amendments in order to better inform the public, which might delay the Charter Amendment election even further.

Representative Austin commented on the City's contribution limit ("cap") to the El Paso Firemen and Policemen's Pension Fund and questioned whether or not the "cap" could be removed.

Representative Power reiterated Representative Austin's comments and questioned whether or not Council Members would move forward with an amendment to the City Charter that would remove the "cap" as mandated via the City Charter.

Ms. Elizondo explained that the voters would need to approve the City's contribution, as the "cap" could not simply be removed.

Ms. Elaine Hengen, Assistant City Attorney, remarked that the State statute required the voters approve the amount of the City's contribution into the pension fund.

Mayor Wardy noted that the current limit was 18%, not a specified amount.

Representative Cook suggested the new Council Members provide their input as to what issues should be placed on the ballot for the City Charter Amendment election.



Representative Cobos suggested calling a Special City Council meeting to address City Charter Amendment issues and requested that the City Charter Amendment election not be held in November. He gave three reasons for his request: 1. El Paso Firemen and Policemen's Pension Fund matter not being resolved; 2. voter fatigue and stated that El Paso Independent School District General Obligation Bond election would be held in October; 3. he noted that the City of El Paso would be holding a General Obligation Bond election in February and suggested that the Charter Amendment election be combined with that election to save the taxpayers monies on elections.

Mr. Mike Pritchard, Chairman of the El Paso Firemen and Policemen's Pension Fund, stated that it was his opinion that more time would be needed. He provided copies of proposed Charter Amendment language and explained that Mr. Martinez and Representative Cushing have not had the opportunity to review the proposed Charter Amendment language. He stated that he would like to have the El Paso Firemen and Policemen's Pension Fund matter placed on the next City Charter Amendment election and added that if not, it would be another two years before the matter would be placed before the voters and that would cost the taxpayers additional monies.

Representative Escobar stated he was uncomfortable with the proposed Charter Amendment language presented by Fire Chief Mike Pritchard today and requested that the CAO and City Attorney review the language. He stated that the El Paso Firemen and Policemen's Pension Fund needed rectifying to ensure the error was corrected and requested that the City Employee's Pension Fund be reviewed as well.

Mayor Wardy noted that the El Paso Firemen and Policemen's Pension Fund and the City had actuaries. He added that shortly after he took office, a report from the El Paso Firemen and Policemen's Pension Fund actuary had been received. He stated that the report was then forwarded to the City's actuary.

Mr. Frank Delgado, President of the City's Employee Association, read from a prepared statement and requested amendments to the proposed City Charter Amendments. He would provide copies of his prepared statement to Council Members.

Representative Cook moved to direct City staff to revise Ordinance 15365, setting date, amending the date to read February and urged the Mayor Pro Tem to convene a Legislative Review Committee of the Whole meeting to discuss the proposed City Charter Amendments. Representative Power seconded.

Representative Cobos requested that Representative Cook amend his motion setting a Special City Council meeting so that Mayor Wardy could attend.

Representative Cook amended his motion. Representative Power seconded the amended motion.

Representative Austin questioned whether the City had addressed the El Paso Firemen and Policemen's Pension Fund matter utilizing the new types of bonds that the State has allowed.

Mayor Wardy responded that a number of avenues and solutions could be reviewed at a later date.

Mr. Martinez suggested scheduling a number of hearings and developing a timeline for the February election.

Ms. Lisa Turner, citizen, requested that the information regarding the El Paso Firemen and Policemen's Pension Fund be shared with the public as the taxpayers need to know how short the fund is, whether or not the fund's shortage was due to the City failing to match the fund, stock market issues, etc. She suggested rewriting the City Charter in its entirety, as there were 20 or so amendments to be placed on the ballot currently.

Representative Cobos stated for the record, if the El Paso Firemen and Policemen's Pension Fund language were not addressed in time for the February election, he would not postpone the election again.

Representative Escobar stated that due to the market dropping and that the fund had not been managed properly, the Fund was short. He noted that the participants in El Paso Firemen and Policemen's Pension Fund believe that the shortage was due to the City not contributing more to the fund. He asked that the matter be corrected and ensure that this never happens again and added that punitive action would not be taken against the "fund". He asked that the El Paso Firemen and Policemen's Pension Fund Board cooperate and assist the City in ensuring that the Fund remains solvent.

Mr. Michael Calderazzo, Board of Trustee member of the El Paso Firemen and Policemen's Pension Fund, duly noted Representative Escobar's comments and assured Council Members that the Board was doing all that they possibly could to correct the matter. He noted that the language provided by Mr. Michael Pritchard was a suggestion made by the attorney for the El Paso Firemen and Policemen's Pension Fund. He added that members of the El Paso Firemen and Policemen's Pension Fund have increased their contributions and that the Board had requested their cooperation and assistance. He reminded Council Members that five members of the El Paso Firemen and Policemen's Pension Fund Board were appointed by the City.

Mr. Edward Ross, city employee, read from a prepared statement.

Motion made by Representative Cobos, seconded by Representative Cook and carried to move to the forefront the discussion and action regarding the nature and subjects of the proposed amendments to be considered in an election.

Motion made by Representative Cook, seconded by Representative Power and carried to direct City staff to amend Ordinance 15365, amending the date of the City Charter election to February, and to urge Mayor Wardy to call a Special City Council Meeting to consider Charter Amendments.

See discussion above on previous item.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to direct the City Attorney's office to draft an ordinance creating a Data Processing/Information Technology Advisory Board.

Representative Cushing suggested the implementation of the Data Processing/Information Technology Advisory Board.

Mayor Joe Wardy concurred with Representative Cushing's suggestion and noted that many private companies utilize this tool. He added that the Association of Information Technology Professionals have offered their services in regard to providing names of individuals to appoint to this Board.

Representatives Cook, Escobar, Cobos, Power, and Austin provided input and comments.

Ms. Lisa A. Elizondo, City Attorney, requested that the Council Members direct the Legal Department to create such a Board.

Representative Escobar requested that the minimum qualifications for appointees be given to the Information Technology Department for review and that the Information Technology Department provide a list of suggested candidates.

Representative Cook requested, in addition to the listed qualifications, a list of individuals who should be excluded, specifically individuals with pending business before the City.

Ms. Richarda Duffy Momsen, City Clerk, read into the record the Motion to direct the City Attorney's office to draft an Ordinance creating the Data Processing/Information Technology Advisory Board.

ORDINANCE 15490

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 7-10, AND THE NORTH ½ OF LOT 6, BLOCK 45, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (SOUTHWEST CORNER OF CROSBY ST. & STANTON ST.) FROM A-3 (APARTMENT) TO A-O (APARTMENT-OFFICE) ON PARCEL 1, AND FROM A-3 (APARTMENT) TO A-O (APARTMENT-OFFICE) ON PARCEL 2. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained that the representative for the applicant was agreeable to rezone the entire property to A-O, as recommended by DCC (Development Coordinating Committee) and CPC (City Plan Commission).

Mr. Luis De La Cruz, representing the applicant, concurred.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None Not Present: Council Members Cushing and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Parcel 2 on this ordinance was revised from "S-D (SPECIAL DEVELOPMENT)" to "A-O (APARTMENT-OFFICE)".

ORDINANCE 15491

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING ERIC ARMENDARIZ TO USE A PORTION OF MADELINE PARK FROM 6:00 PM UNTIL 7:00 PM ON SEPTEMBER 27, 2003.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cook, Power, Escobar, Rojas and Cobos  
NAYS: None Absent: None Not Present: Council Members Cushing and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15492

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 6 (VEHICLE FOR HIRE), CHAPTER 6.16 (TAXICABS), SECTION 6.16.090 (PERMIT FEES – GRANTING OF OPERATING PERMIT), SUBSECTION A AND SUBSECTION C, TO REDUCE THE PERMIT FEE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None Not Present: Council Member Cushing

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and carried to postpone two (2) weeks the public hearing to determine if the property located at 117-119 W. Overland Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, William Abraham (Trustee) for Franklin Group, L. P., has been notified of the violations at this property. Delinquent taxes in the amount of \$5,161.02.

AYES: Representatives Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representatives Austin, Cook, and Power

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations. He noted that the building was secured and commented on the awning hanging over the street, as well as the deteriorating projected eaves of the roof surrounding the building.

Representative Cobos commented on the awning and moved to postpone for two (2) weeks. Representative Cushing seconded. Representative Cushing withdrew his second to allow Council Members to ask questions.

Representatives Austin, Cook, and Power asked questions and provided comments.

Mr. Maguire responded to the Council Member's questions and comments.

Mr. Edward Hernandez, Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, stated that the firm was preparing for litigation regarding the unpaid taxes.

Representative Cobos questioned whether an engineer's report regarding the awning had been requested.

Mr. Maguire responded yes.

Dr. Patricia Monardes, representing the owner, explained that the owner was in the process of a major renovation of the building and noted that the engineer's report had been ordered by Mr. Abraham on Friday. She added that the awning had been secured on Friday and the structure had been boarded and secured.

.....

Motion made by Representative Cook, seconded by Representative Escobar and carried to postpone one (1) week the public hearing to determine if the property located at 10428 Lambda Dr., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, C. F. Sanford AKA Clifton P. Sanford, and AKA C. P. Sanford and Hideko K. Sanford, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

AYES: Representatives Cushing, Lozano, Cook, Escobar, Rojas, and Cobos  
NAYS: Representatives Austin and Power

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Mr. Sanford, property owner, stated that he was preparing the home for rehabilitation.

Representative Cook moved to postpone the matter one (1) week. Representative Escobar seconded; however, withdrew his second to allow for comments.

Representatives Cook, Escobar, and Cobos asked questions and provided comments.

Mr. Herb Ehrlich, representing the mortgage holder, stated that if the owner did not comply with the City's Order/Resolution, then he would not be in compliance with the Deed of Trust and the mortgage company would foreclose on the property and repairs would be made.

.....  
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 3501 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, First National Acceptance Co., P. O. Box 4010, East Lansing, Michigan 48826, has been notified of the violations at this property. Taxes have been paid. Representative Escobar was not present to vote.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Mr. Raul Minjarez, property owner, explained that he had purchased the home June 27, 2003, and was not aware that legal action was being taken by the City. He noted that he purchased the home from a mortgage company and had paid all back taxes.

Mr. Maguire explained that Mr. Minjarez was not yet the owner of record.

Mr. Minjarez stated that it was his understanding that all documents had been filed and provided Mr. Maguire a document noting that he was the property owner.

Representatives Austin, Lozano, Escobar, Cushing, Cobos, and Power asked questions and provided comments.

Mr. Maguire responded to questions and comments by Council Members.

Ms. Lisa A. Elizondo, City Attorney, stated that as per Ms. Teresa Garcia, Assistant City Attorney, Mr. Minjarez did not possess the "Transfer of Title".

Mr. Edward Hernandez, Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, noted that as part of the closing all back taxes had been paid, July 1, 2003. He added that the co-owner was a corporation located in Minnesota that may explain the delay in the paperwork.

Ms. Garcia explained State and City condemnation language for Council Members' information.

.....  
RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2213 Sea Palm Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 20, Less the Southwesterly 1.5 feet thereof, Block 36, East Glen Addition Unit Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 49, Page 6 and 6A, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, MidFirst Bank, 999 N. W. Grand Blvd., Oklahoma City, OK 73118, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 29<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for September 23<sup>rd</sup>, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations. He noted that the property had been monitored on a regular basis, frequently more than once a month, and added that at the time of those visits to the property, there was no evidence that the property had been secured.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Power, seconded by Representative Austin and unanimously carried to approve the above Resolution.

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RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 113 W. Missouri Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 42 through 46, both inclusive, and the South 19.5 feet of Lot 41, Block 1, Satterthwaite Addition, an Addition to the City of El Paso, El Paso County, Texas

Is unsecured from unauthorized entry.

WHEREAS, Inn-Vestor, Inc., 6060 North Central Expressway, Suite 560, #7, Dallas County, Texas 75206, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 29<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, and disposal of refuse; and
  - c. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured and maintained secured within (30) days; and
  - b. That the premises be cleaned of all trash and debris within (30) days; and
  - c. That a public hearing be scheduled for September 23<sup>rd</sup>, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all trash, and debris; and



3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all trash and debris; and
5. That the costs incurred by the City in connection with securing the Building and cleaning the premises of all trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations. He noted that a fence had been erected surrounding the property; however, it was cut on one side and the building continues to be entered by individuals. He noted that numerous Police, Fire and EMS reports had been made regarding said property.



**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application form for a COPS Enhancing a Culture of Integrity Initiative Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$336,910.00 for the purpose of providing training and development to the Police Department's officers on issues concerning ethics and integrity.

NOTE: Resolution was revised from "Creating" to "Enhancing".

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\*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Secretary III (2)

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\*Motion made, seconded and unanimously carried to appoint Luz M. Jurado to the Art Museum Advisory Board.

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\*Motion made, seconded and unanimously carried to appoint Representative Vivian Rojas to the City/County Animal Shelter Advisory Committee.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the discussion and action regarding an Ordinance that would control distracted driving to include distractions related to cellular phone use while operating a motor vehicle.  
Representatives Lozano and Power were not present to vote.

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Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

A. Regarding Contract No. 2002-112 with Silverton Construction Company, Inc. (551.071)

B. Public hearing to determine if the property located at 113 W. Missouri Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Inn-Vestors, Inc., 6060 North Central Expressway, Suite 560, #7, has been notified of the violations at this property. Delinquent taxes in the amount of \$63,481.58. (551.071)

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Cobos, seconded by Representative Cook and carried that the settlement proposed between the City of El Paso and Silverton Construction Company, Inc., regarding contract number 2002-112, be **ACCEPTED** by the City, in its entirety as recommended by the City Attorney's Office; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

AYES: Representatives Cushing, Lozano, Cook, Escobar, Rojas and Cobos.

NAYS: Representatives Austin and Power.

NOTE: Motion was revised.

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Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the Resolution on the Public hearing to determine if the property located at 113 W. Missouri Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Inn-Vestors, Inc., 6060 North Central Expressway, Suite 560, #7, has been notified of the violations at this property. Delinquent taxes in the amount of \$63,481.58.

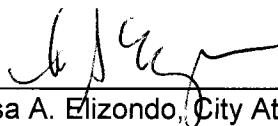
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Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting at 1:04 p.m.  
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney